

BUSINESS MATTERS

Acting lessons for lawyers

By Nora Lockwood Toohar
Staff writer

Of the many acting lessons Katherine James has taught over the years, the one many trial lawyers have the most difficulty grasping is the simplest: Be yourself.

James is a co-founder of Act of Communication, a litigation consulting firm in Los Angeles.

For 32 years, James has been helping lawyers – along with their clients and witnesses – enhance their communication skills. Together with her husband and partner, Alan Blumenfeld, James conducts workshops and seminars throughout the nation.

She has also works extensively with client-attorneys on witness preparation and case work.

“I refer to our organization as a mom-and-pop, but mostly mom, organization,” James comments. “About 80 percent of our work is in cases, and I do all the case work.”

According to James, both lay and expert witnesses often project “some odd aspect of their personality, either by talking too much or appearing angry.”

What she tries to convey is that they need to “strip away this other character that they’re playing and ... be themselves.”

Through videotaped rehearsals – in which the attorney plays the role of

both “good” and “bad” attorney – James helps witnesses discover a way to answer questions simply and clearly.

She also helps attorneys craft opening and closing statements and practice their courtroom performances.

A veteran actress, James has appeared in theater, films and on television (She was the voice of Steve’s mom on the original “90210” series). She remains active in theater – acting, writing and directing. Blumenfeld is an established character actor who has appeared in many films and television shows, most recently on “CSI: Crime Scene Investigation.”

Randolph M. James, a solo litigation attorney in Winston-Salem, N.C., says that working with the couple has been “career changing.” He has taken several of their classes and has sought assistance on many cases since the early 1990s.

“[Katherine James] has tremendous insights into what motivates people, why people do what they do, and how to communicate – not only with juries, but also with judges and your clients,” he says.

In a recent article in *The Jury Expert*,



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James deconstructed three basic acting principles that can benefit attorneys, both in the courtroom and in the office:

1. The hardest character to play is yourself.

“In the courtroom, being yourself is gigantic,” James notes. “Truly, the reason attorneys are so bizarre in the courtroom is the amount of responsi-

bility that they have for another human being's life and liberty, or property, and what will literally happen to this person for the rest of their lives."

Burdened with that responsibility, many lawyers become characters in the courtroom: "the blustery, 'I know everything' person, or this weird, blank robotic person," says James.

Randolph James says the biggest compliment he receives is when jurors come up to him after a trial and say, "You don't act like a lawyer."

He adds, "I give Katherine full credit."

He also credits her with helping him work better with clients, including one who was being

questioned by the FBI as a suspect in a Ponzi scheme.

"He was clearly a target, but he did not think he had a problem," he recalls.

Katherine James helped the client prepare for his interview with the FBI so that he could answer questions without coming across as arrogant or guilty.

Too many lawyers go into the courtroom with "a giant yellow legal pad instead of a brain."

– Katherine James

"We spent a week with Katherine, and the bottom line is that at the end of that week he was debriefed by the FBI for another three days, and they never charged him," Randolph James says.

2. Acting is reacting.

Unfortunately, James says, too many lawyers go into the courtroom with "a giant yellow legal pad instead of a brain."

Instead of listening and responding to what's hap-

pening, they focus on completing a mental checklist.

As an example, James describes "an attorney conducting voir dire who asks, 'Has anyone known anyone with cancer?' And juror number three says, 'My husband died of cancer last year.' And the attorney says: 'Anyone else?'"

Simple things such as looking at and listening to the person you're speaking to will help determine what you say next, rather than some script or notepad.

3. An actor needs to be heard and understood.

It's basic, but too many lawyers fail to speak clearly in the courtroom, according to James. "Speaking clearly is huge," she notes.

Over-enunciate and project your voice, she advises. Also, speak from the center of your body, between your chest and the pit of your stomach.

And use clear, simple language that jurors can understand.

Randolph James credits her with helping him develop his own style in the courtroom.

"It means that I am empathetic, engaged," he says. "I'm not acting haughty or arrogant, even when I cross-examine someone. You have to do it from the perspective of a juror – what would you ask and how would you ask it."

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